

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CARLOS PORTILLO HERNANDEZ,

Petitioner,

v.

A. NEIL CLARK, Field Office Director, U.S.
Immigration and Customs Enforcement,

Respondent.

NO. C09-1761-RAJ-JPD

ORDER OF DISMISSAL

The Court, having reviewed petitioner's Petition for Writ of Habeas Corpus, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and any objections or responses to that, and the remaining record, finds and Orders as follows:

1. The Court adopts the Report and Recommendation;
2. Petitioner's proposed habeas petition (Dkt. No. 1.) is DISMISSED without prejudice for failure to pay the applicable filing fee pursuant to 28 U.S.C. § 1914.
3. Because this action is dismissed without prejudice, the court finds it unnecessary to address whether petitioner is entitled to a certificate of appealability.

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1 4. The Clerk shall send a copy of this Order to petitioner and to Judge Donohue.

2 DATED this 11th day of March, 2010.

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6 The Honorable Richard A. Jones
United States District Judge
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